

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LETICIA SANTIAGO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:24-cv-01391-HBK<sup>1</sup>

ORDER GRANTING AWARD AND  
PAYMENT OF ATTORNEYS FEES UNDER  
THE EQUAL ACCESS TO JUSTICE ACT  
AND MOOTING EARLIER FILED MOTION

(Doc. Nos. 24, 25)

Pending before the Court is the parties' stipulated motion for award of attorney's fees filed on October 21, 2025. (Doc. No. 25). The parties agree to an award of attorney's fees and expenses to Plaintiff's attorney, Jonathan O. Peña of Peña & Bromberg, PLC, in the amount of \$6,900.00 in attorney fees and expenses, and costs in the amount of \$405.00, pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §§ 1920, 2412. (*Id.*). The stipulated motion moots Plaintiff's earlier filed motion seeking \$7,177.44. (Doc. No. 24).

On July 16, 2025, this Court granted the parties' stipulated motion for a remand and remanded the case pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings. (Doc. No. 22). Judgment was entered the same day. (Doc. No. 23). Plaintiff now requests an award of fees as the prevailing party. *See* 28 U.S.C. § 2412(a)

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<sup>1</sup> Both parties have consented to the jurisdiction of a magistrate judge in accordance with 28 U.S.C. §636(c)(1). (Doc. No. 8).

1 & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf.* *Shalala v. Schaefer*, 509 U.S.  
 2 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42  
 3 U.S.C. § 405(g) is a prevailing party). The Commissioner does not oppose the requested relief.

4 The EAJA provides for an award of attorney fees to private litigants who both prevail in  
 5 civil actions (other than tort) against the United States and timely file a petition for fees. 28  
 6 U.S.C. § 2412(d)(1)(A). Under the Act, a court shall award attorney fees to the prevailing party  
 7 unless it finds the government's position was "substantially justified or that special circumstances  
 8 make such an award unjust." *Id.* Here, the government did not show its position was  
 9 substantially justified and the Court finds there are not special circumstances that would make an  
 10 award unjust.


11 Based on the stipulation, the Court finds an award of \$6,900.00 in attorney fees and  
 12 expenses, and \$405.00 in costs, is appropriate. EAJA fees, expenses, and costs are subject to any  
 13 offsets allowed under the Treasury Offset Program ("TOP"), as discussed in *Astrue v. Ratliff*, 532  
 14 U.S. 1192 (2010). If the Commissioner determines upon effectuation of this Order that Plaintiff's  
 15 EAJA fees are not subject to any offset allowed under the TOP, the fees shall be delivered or  
 16 otherwise transmitted to Plaintiff's counsel.

17 Accordingly, it is **ORDERED**:

- 18 1. The stipulated motion for attorney fees and expenses (Doc. No. 25) is **GRANTED**.
- 19 2. Plaintiff's earlier filed motion for attorney fees (Doc. No. 24) is MOOT.

20 3. The Commissioner is directed to pay to Plaintiff as the prevailing party EAJA fees in  
 21 the amount of \$6,900.00 in attorney fees and expenses and \$405.00 in costs. Unless the  
 22 Department of Treasury determines that Plaintiff owes a federal debt, the government shall make  
 23 payment of the EAJA fees to Plaintiff's counsel, Jonathan O. Peña of Peña & Bromberg, PLC, in  
 24 accordance with Plaintiff's assignment of fees and subject to the terms of the stipulated motion.

25 Dated: October 23, 2025

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 27 HELENA M. BARCH-KUCHTA  
 28 UNITED STATES MAGISTRATE JUDGE